

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---------------------------|--|---|-----------------|--|
| In Re the Application of: | GRIMBLE, et al., |) | Group Art Unit: | 1637 |
| Serial No.: | 10/553,995 |) | Examiner: | STRZELECKA, T.E. |
| Filed: | JUNE 20, 2006 |) | Conf. No.: | 6576 |
| Atty. File No.: | 5588-1 |) | | |
| For: | INFLUENCE OF GENOTYPE OF SUSCEPTIBILITY TO TREATMENT WITH FISH OIL |) | | <u>RESPONSE TO RESTRICTION REQUIREMENT</u> |
| | |) | | Filed electronically |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Office Action was mailed in the above-captioned application on January 30, 2009. Claims 11-19 were pending in the application. Claims 11-19 were subject to restriction/election requirement. This Response to Restriction Requirement document is submitted in response to said Office Action.

Restriction Requirement under 35 U.S.C. § 121

An election requirement was made to pending claims 11-19. The claims were placed into five groups:

Group I, claim 11, drawn to a method for assessing the sensitivity of an individual to the anti-inflammatory effects of fish oil comprising determining the genotype of the LT- α +252 allele and predicting a sensitivity of the individual to the anti-inflammatory effects of fish oil when the individual is homozygous for the TNFB2 allele.

Group I, claim 12, drawn to a method for assessing the sensitivity of an individual to the anti-inflammatory effects of fish oil comprising:

- determining the inherent TNF- α production of the individual;
- determining the genotype of the LT- α +252 allele; and

predicting a greater sensitivity of the individual to the anti-inflammatory effects of fish oil when the individual is heterozygous for the LT- α +252 allele and has low or medium levels of inherent TNF- α production than when the individual is heterozygous for the LT- α +252 allele and has high levels of inherent TNF- α production.

Group III, claim 13, drawn to a method for assessing the sensitivity of an individual to the anti-inflammatory effects of fish oil comprising determining the genotype of the IL-6 -174 allele and predicting a higher sensitivity of the individual to the anti-inflammatory effects of fish oil when the individual has the IL-6 -174 CC genotype than when the individual is has the IL-6 -174 GG or IL-6 -174 GC genotype.

Group IV, claim 14, drawn to a method for assessing the sensitivity of an individual to the anti-inflammatory effects of fish oil comprising:

- determining the genotype of the IL-6 -174 allele;
- determining the genotype of the LT- α +252 allele; and

predicting a higher sensitivity of the individual to the anti-inflammatory effects of fish oil when the individual has the IL-6 -174 GG and TNFB1/2 genotypes than when the individual has other genotypes of these alleles.

Group V, claims 15-19, drawn to a method of reducing TNF- α production in an individual, comprising

- a) determining the genotype of at least one of the LT- α +252 allele and the IL-6 -174 allele; and
- b) administering to said individual a therapeutically effective amount of fish oil based on the genotype of the individual.

Applicant hereby elects to prosecute the Claim of Group III, Claim 13, without traverse. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-1970, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-1970.

Respectfully submitted,

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